

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Donell Brown, #293480,)	C/A No. 3:09-2546-JFA-JRM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Shirley Singleton; Libby Priester; George T.)	
Hagan; Allendale Corr Ins,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Donell Brown, brings this action pursuant to 42 U.S.C. § 1983. He alleges that his sentence has been miscalculated and good time credits have been illegally taken from him.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this court should dismiss defendant Allendale Correctional Institution without prejudice and without issuance of service of process. The Magistrate Judge reasons that because defendant Allendale Correctional Institution is a group of buildings and is an inanimate object, it cannot act under color of state law. As such, defendant Allendale is not a “person” subject to suit under 42 U.S.C. § 1983.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

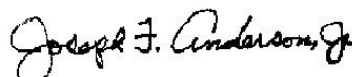
The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of their right to file objections to the Report and Recommendation, which was entered on the docket on October 6, 2009. However, he did not file any objections to the Report within the time limits prescribed.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed as to defendant Allendale Correctional Institution without prejudice and without issuance and service of process.

This action shall be returned to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

January 13, 2010
Columbia, South Carolina